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**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503**

March 3, 1986

**LEGISLATIVE REFERRAL MEMORANDUM**

**SPECIAL**

<b>CONGRESSIONAL AFFAIRS</b>
86-0630

**TO:**

Department of the Treasury - Carole Toth (566-8523)  
Department of State - Lee Ann Berkenbile (647-4463)  
Department of Transportation - John Collins (426-4694)  
Central Intelligence Agency  
Federal Communications Commission  
Department of Commerce - Joyce Smith (377-4264)  
Department of Defense - Werner Windus (697-1305)

**SUBJECT:** Department of Justice proposed testimony on H.R. 3378 --  
the Electronic Communications Privacy Act of 1985.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Circular A-19.

Please provide us with your views no later than

COB -- MARCH 4, 1986

Direct your questions to Gregory Jones (395-3454), of this office.

  
James C. Murr for  
Assistant Director for  
Legislative Reference

**Enclosures**

cc: John Cooney      Rob Veeder  
John Roberts  
Karen Wilson  
Frank Kalder

02/28/86

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*Henry in 3/6/86***TESTIMONY ON H.R. 3378**

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to appear here today to discuss H.R. 3378, the Electronic Communications Privacy Act of 1985.

The bill, H.R. 3378, as well as S. 1667, an identical bill proposed by the Senate, is intended to amend the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (Title III) 18 U.S.C. 2510 et seq. relating to electronic surveillance to cover the advances in technological developments in electronic communications, both aural and non-aural, that have occurred since the passage of the original legislation in 1968.

Since receiving the proposed legislation, Department of Justice representatives have had ongoing interaction with staff members of both this committee and the Senate Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary, to try and develop effective proposals to amend Title III to cover the new technology.

In addition, the Department, in conjunction with several law enforcement agencies, has conducted an in depth review of the existing legislation to ascertain how the new developments in technology can best be addressed in new legislation or in the amendment of existing legislation.